85-1478

Supreme Court, U.S.
F I L E D
MAR 2 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF
THE UNITED STATES

OCTOBER TERM 1985

Lawrence P. Boyce, Petitioner

vs.

James H. Ridgely and Appellee
Elise Boyce Kelsey, Personal
Representatives of the Estate of
Elise Gillet Boyce

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND

Respectfully submitted,

Lawrence Page Boyce

Lawrence Page Boyce
2200 Geist Road
Glyndon, Md. 21071

Question Presented for Review

At the discretion of the Court, this Petitioner respectfully prays allowance for inclusion of the attached Petition to Caveat dated 8/13/83 as an addendum to documents submitted for consideration by this honorable Court.

Your petitioner requests:

1. that Elise Boyce Kelsey and James H. Ridgely, Esquire be removed as unqualified Personal Representatives for the Estate of Eliza Gillet Boyce, deceased.
2. That Elise Boyce Kelsey and James H. Ridgely, Esquire be required to submit to this Court all Wills and Codicils pertaining to Eliza Gillet Boyce, deceased for review by this Court, from 1960 to November 1983.
3. that the Court appoint Robert Maher, of Towson, Baltimore County as

Personal Representative for Eliza Gillet Boyce, deceased.

4. that the Court order Elise Boyce Kelsey and her attorney, John H. Ridgely to produce the letter written by my mother, Eliza Gillet Boyce to her attorney, John Wright, deceased, in 1963, stating that I was to receive 20% of my father's Glidden stock.

5. that the Court allow this Petitioner to return to the family home, Bacon Hall, where he was born and lived for 50 years, to reside there for the remainder of his life.

6. that the Court restore William G. Boyce, III, as legally adopted member of the Boyce family which was agreed to by the family more than 25 years ago.

Lawrence P. Boyce

Statement of Case

My mother, Elise Gillet Boyce, died in her sleep on February 13th, 1985 at the age of 98. She died at "Bacon Hall" the family farm which has been in the family's possession for the last 150 years.

It was obvious that my sister's lawyer and my mother's lawyer were one and the same. They have been working together over the years scheming for their own benefit, not for my mother's welfare, and certainly not for that of the family.

After the terms of the Will were read I felt there would be some trouble ahead in more ways than one as the total value of her estate at the time was about $2,000,000 and is now over $3,000,000 as of 3/1/86.

About six months later I filed a Caveat, asking the Wills to be voided and a new attorney appointed by the State to aminister my late mother's estate.

I now recommend my former attorney, Robert Maher of Towson, Baltimore County, Maryland be appointed to fill the position of Administrator. He is truthful, honest, and does not cut corners.

It is now time to have the Supreme Court investigate this matter and if necessary, call in the law and put the F.B.I. badge on the various offending individuals involved.

That would put more meaning into "Equal Justice Under Law".

Discussion of Brief

When the case first came to the Orphan's Court for hearing on the caveat before Chief Judge Mensh and Judge Page, I asked if she would give me a few days postponement as my Lymphoma cancer was almost knocking me down. This request was denied, and the trial took place anyway.

I sat in the chair in the 2nd row, leaving my papers on the trial table. I did not feel well. The question was the Contract. This contract was (1) not dated (2) not witnessed by my mother's attorney at the time (the late John Wright, and (3) my signature was not on the contract. Furthermore, I could easily see that my mother's signature was a forgery.

Bruce Hanley insisted the contract was valid and I had no claim to my mother's Will or the Estate. Mr. Hanley asked the Court if he could reintroduce this contract later on in the trial. The Judges granted

the request.

Suddenly, Bruce Hanley, slipped in front of me, blocking my view of the two Judges. However, I could see through his trouser legs and saw him thumbing through the papers I had left on the trial table.

It took a few seconds for me to realize why he had placed himself in front of me which was of course to thumb through my papers. What a cheat!

I realized he was cheating and said to my self - Hell, Larry, he's cheating. I also remember saying - Larry....Midway, Midway, Midway --- fight. (Yes, I was involved in the Midway battle and fought like hell for my country, my ship, my flyers and for "Bacon Hall" as a Junior Officer. I ran the airbattles with radar, etc. on the U.S. Hornet, was the key on Doolittle's Tokoyo Raid, went to the Carol Sea in the southwest Pacific and fought like hell at Midway).

I got up and in rebuttal, beat the cheat.

Still under oath, Mr. Hanley reversed his previous position and now stated that there was no contract. That it had been lost of misplaced for over twenty years since the transaction had taken place. He also stated that a deal had been executed and all details worked out, and that I had no more interest, as I had signed off from my mother's holdings 100%. This is totally false. I have always had an interest in the home place and my mother's stock holdings other than the S.C.M. stock which was from my father's estate. He died on July 4, 1942 while I was on active duty with the U.S. Navy.

At this time, Judge Mensh and Judge Page took a recess before the verdict.

About 1/2 hour later Judge Mensh came out and immediately was surrounded by Mr. Hanley and Mr. Ridgely. She never addressed

me! From the distance I heard her say that Judge Page ruled in my favor that there was no contract. I then overheard her say, "It was the best I could do" to Mr. Ridgely and Mr. Hanley, thus making the decision a dead lock.

That is how we got into Circuit Court, and then to the Court of Special Appeals. From there we went to the Court of Appeals and now the the Supreme Court - the final stop. My last chance to save "Bacon Hall", my home place.

However, the "pat hand" presented by Mr. Ridgely and my Sister Elise Boyce Kelsey and Mr. Bruce Hanley is no longer pat.

During November 1985 I checked the papers that Mr. Hanley had submitted to the Circuit Court and discovered the real contract - It was signed by my mother, it was signed by me, and it was signed by my lawyer at the time, W. B. Kempton and

it was properly witnessed and dated.

This makes Mr. Hanley's statement that there was no contract a lie and makes Mr. Hanley guilty of perjury.

I sent both Judge Mensh and Judge Page a xerox copy of this contract.

This is not all. I went to the Circuit Court to get copies of the case file. Mr. Kaline's office advised me that the entire case file was missing and there was no true copy of the proceeding and no record extract. Mr. Kaline has signed an affidavit to that effect. Futhermore, he named Mr. Ridgely's son as the last person to have seen the case file.

Retired Judge Joe McGuire heard the case in November 1984. He had no case file before him and therefore the decision was cut and dry and illegal. My attorney at the time, Mr. Ronald Maher, was not aware of this fact at the time. This file is still missing.

TABLE OF CONTENTS

Supplemental Reply to Motion

Order

Motion to Reinstate

Appellant's Brief

Petition for Writ of Certiorari

Order - Court of Appeals

Release

Letter - Request for Postponement

Letter - Request for Jury Trial

Reporter's Official Transcript of Proceedings

Mailgram - 3/16/84

Mailgram - 3/12/84

'Dear Sir' Invoice

'Dear Sir' Invoice

Medical Record - Progress Notes

Letter from Elmer H. Kahline, Clerk

Affidavit - Elmer H. Kahline

Memo to Circuit Court

Petition for Writ of Certiorari (Filed August 29, 1985)

Mandate

Table of Contents - Page two

Office Memorandum - Mercantile Safe Deposit and Trust Company

Orphan's Court O-der

Petition to Caveat

Lawrence Boyce Statement on Stolen Documents

Personal Note to Lawrence P. Boyce from Eliza Gillet Boyce

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

NO. 243

SEPTEMBER TERM 1985

LAWRENCE PAGE BOYCE

Appellant

vs.

JAMES H. RIDGELY and ELISE BOYCE KELSEY
Personal Representatives of the Estate
Of Elise Gillet Boyce

Appellees

SUPPLEMENTAL REPLY TO MOTION
1035C
August 2nd 1985

On Wednesday July 31, 1985 my Lymphoma Cancer has become active in three (3) different places according to the doctors - it will take about six weeks to complete the testing and get on "Chlorambucile" which is the best "Kemo" for my type of

cancer - "It is not an easy road."

It is most important that these facts be included in my Motion 1035C for this court or the next. Judge Brizandine's favorable decision was select a new date for the hearing, to see the assignment officer! Exhibit A he said he would consider giving me a Jury Trial after I had obtained a lawyer. Which I did when I returned from England. Mr. Ronald Maher took charge about May 20th, 1984.

Within 2 minutes after the Judges' decision was announced Mr. Hanley was at work to beat it. He asked me to come with him. We went to Judge Brizandine chambers where he asked his secretary to find "Joe," please go find him. We waited 10 minutes or more and she came back and said to Mr. Hanley, "He is on the bench." I thought "Joe" must have been a sheriff or somebody. When she said Bench maybe he was a Judge.

He then asked the secretary to find

out how long he would be. She came back in five (5) minutes, the reply was about one and a half (1½) hours.

So as we went to the assignment office Mr. Hanley agreed to a late April Hearing.

The assignment officer was Mrs. Joyce Grimm. We asked for a late April date if not May or June.

There was a slight hesitation. I happened to turn quickly to Mr. Hanley. He was in the act of giving Joyce Grimm the winks. She did not see me catch the wink. Immediately Mr. Hanley became stone faced or frozen faced.

Then Joyce Grimm started lying about the date - June, May, and April all dates were filled. Mr. Hanley had and still has her "wired."

So instead of a New date for the hearing - she made me select with Mr. Hanley the same date that the Judge ruled on - March 20th! March 20th was not a

new date!

They thought they had me but I know what the Judge had told me, and also the Court had told me in January, to obtain my plane ticket and make reservations. If I were out of the country the postponement would be automatic. This was never disputed in court in any way.

I have abided by the court and Judge Brizandine's decision. It's Mr. Hanley who has tried to beat the law! So far he has!

He got hold of "Joe" all right. He worked it well. With a Wire Judge he had a picnic with my lawyer Mr. Ronald Maher. He had no chance with Judge Joe Mcquire! It is now revealed by Mr. Kahline, Clerk of Circuit Court for Baltimore County, in a Certified statement there was no file when this case was heard in November 1984. The file was missing or stolen or both, at the time the hearing was held. Furthermore the

Judge Mcquire ignored the fact the court had told me if I were out of the Country the postponement would be automatic. I wired from England in person.

In November Judge Mcquire also stated that I had had two postponements and would not reopen the case. Mr. Maher has told me there had been only one postponement when I had to go to the hospital for Cancer check up, February 22, 23, 24, 1984. The telegram that the court sent me, Dated Friday March 16th was never delivered. The first I knew of any telegram that the court was to be held on March 20th, was in late May when I got the bill from the Court for $25.00.

I had no special address at the time. The cable was sent from Cheltenham, England, and my receipt shows no address. I was never properly notified of the March 20th hearing, therefore I could not be present.

I do not think I should pay for Mr.

Hanley's performance.

I hope that this Court will order this case to be sent back to the Circuit Court for a hearing which the Orphans' Court asked for in the first place and never obtained. Mr. Hanley is at fault, he should be an electrician instead. Mr. Hanley papers are not certified true copies. This is his firm's fault according to Mr. Kahline, not mine.

Sincerely and Thanks,

Larry Boyce

Lawrence P. Boyce

Copy to Mr. Bruce Hanley, 400 Allegheny Avenue, Towson, Maryland 21204.

I HEREBY CERTIFY that on this 3rd day of August, 1985, that the forementioned material is true and correct. _____

_____ Lawrence Page Boyce witness by me _____.

LAWRENCE PAGE BOYCE	*	IN THE
	*	COURT OF APPEALS
v.	*	OF MARYLAND
	*	
JAMES H. RIDGELY and	*	Petition Docket
ELISE BOYCE KELSEY,	*	No. 411
Personal	*	September Term,
Representative of	*	1985
the Estate of Elise	*	(No. 243, September
Boyce Kelsey	*	Term, 1985 Court
	*	of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED by the Court of Appeals of Maryland, that the Petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert C. Murphy
Chief Judge

Date: December 2, 1985

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

NO. 243

SEPTEMBER TERM, 1985

LAWRENCE PAGE BOYCE,
Appellant

v.

JAMES H. RIDGELY and ELISE BOYCE KELSEY,
Personal Representatives of the Estate
of Elise Boyce Kelsey, Appellees

MOTION TO REINSTATE

LAWRENCE PAGE BOYCE, Appellant, hereby move, pursuant to Md. Rule, Rule 1035C that this case be reinstated reasons, state:

1. That Appellant received dismissal notification from the Clerk of Special Appeals Court on Saturday July 13th. No previous notice of any court action was received prior to that date. Wednesday July 17th visited Deputy Clerk Mr. Robert

Booze. He was helpful in explaining the situation, as I was dumbfounded to the situation.

2. As of June 13th I had submitted 35 printed copies of my brief to Mr. Booze. Before I departed I asked if my copies were acceptable, and was assured that they were. I double checked on whether the case would come up in October or November and I was assured by both Mr. Booze and Mr. Friedman's secretary that I was in the clear until November court date.

Therefore since rule 1028 has come under discussion my advisor, informs me that there is no record extract because the file is missing. I have included as exhibit one (1) a certified copy of Mr. Kahline, Clerk of the Court, statement as to the missing file and those responsible. Therefore there is no certified, true copy of the records.

In response to rule 1031, I submit

exhibit two (2) a printed copy of my original brief with the table of contents included and sufficient argument to explain my case.

The 20th of July while in Lexington, Kentucky, I realized that I had received an unopened folder from Mr. Hanley and thought it contained the Appellee's briefs, that he was to send to me and file with the Court. Since I am aged and live by myself, I frequently don't open my mail, due to ill health. The folder is still unopened, which I submit as exhibit three (3).

Due to the reasons stated:

I request that this case be restated as originally proposed, that the Appellee's submit his brief on schedule which is August 5, 1985. I request that this case be returned to the Circuit Court for a complete hearing, which was directed from the Orphans' Court. And that Court cost

and legal fee be paid by James H. Ridgely and Mr. T. Bruce Hanley.

Copy sent to Mr. T. Bruce Hanley, 400 Allegheny Avenue, Towson, Maryland 21204.

I would like to bring to the attention of this Court that the Motion to Dismiss was received by the Court July 1, 1985 and granted July 11, 1985 which included the 4th of July weekend. Even if I had been aware of this action, it would not have been possible to retain an attorney and reply before July 11th. That action is ridiculous and illegal. Therefore I was entitled to a hearing to present my side of the case. The Chief Deputy told me that there was never a hearing. Furthermore, the Chief Deputy informed me that my case had not been discussed or seen by the three judges that have signed the order. Thus making this a mail order Court.

I HEREBY CERTIFY that on this 26th day

of July, 1985, That the forementioned folder is still unopened.

_____

LAWRENCE PAGE BOYCE

I HEREBY CERTIFY that on this 27th day of June, 1985, a copy of the foregoing Motion to Dismiss was mailed to Mr. Lawrence P. Boyce, 2200 Geist Road, Glyndon, Maryland 21071.

T. Bruce Hanley

IN THE

COURT OF SPECIAL APPEALS

SEPTEMBER TERM, 1985

NO: 243

LAWRENCE PAGE BOYCE

Appellant

v.

James H. Ridgely and Appellee
Elise Boyce Kelsey, Personal
Representatives of the Estate of
Elise Gillet Boyce

APPELLANT'S BRIEF

Lawrence Page Boyce

TABLE OF CONTENTS

		Page
A.	Health	1
B.	Revelation of Missing File	1
C.	Postponement Procedures	2 & 3
D.	Mercantile Safe Deposit & Trust	4
E.	Mr. Ridgely's Court Expenses	4
F.	Special Thanks and Exhibit A	5

No. 243, September Term, 19 85

Lawrence Page Boyce

vs

James H. Ridgely and Elise Boyce Kelsey, Personal Representatives of the Estate of Elise Gillet Boyce

Mr. Lawrence P. Boyce

Attorneys for Appellant

T. Bruce Hanley, Esq.

Brief Date: on or before June 5, 1985

COURT OF SPECIAL APPEALS, ANNAPOLIS, MARYLAND
Howard E. Friedman, Clerk

A. This is the brief we are filing in the above mentioned case. For Health: I have lymphoma type of cancer which I contracted in November of 1979. I took chlorambucile (kemo treatment) for eight (8) months. The side effects of this drug are most severe. Sometimes it gives only a few seconds warning and I overcome the effects within 3-5 minutes. If this occurs during the

arguments, please bear with me.

B. Revelation of the Missing File is a shock. Mr. Kahline, the clerk of the Circuit Court of Baltimore County has exposed the missing file and those who did not have it at the time of the trial. However, if I had not gone to the Court of Special Appeals, this would never have been exposed. As I see it, it's a one-sided affair, which must stop and which must be corrected. This is a "jack-ass" performance, and I intend to set the record straight.

C. At the end of January, I double checked with the Court on whether I should make any reservations to fly to England on March the 8th. I was told by the Court that if I were out of the country, that the postponement would be automatic. This seems reasonable and correct to me. I then paid for my plane ticket after satisfying myself that the Court was correct. Verification

of the ticket and the reservation are included in this file.

On Thursday, March 8, 1984, I flew from BWI Airport to England. I have my passport for evidence.

There was no Western Union or postal telegraph office in Cheltenham, Glousters-hire, England. The only way I could send the message and have a receipt for the Court was to go to Dear Sir which was an office building and is a private concern. The National Westminster Bank directed me to that so that I could get a copy and receipt for my cablegram. It was sent on Monday, March 12th, the receipt has my name on it, Larry Boyce, and no address and the cost was 8 lbs. 50. I was staying about four (4) miles away from this private office. After filing the cablegram I felt satisfied that I had done just what the Court required. I even sent a copy to Judge Brizendine, a copy to alert him of

possible trouble from Mr. Hanley and also the assignment officer, Joyce Grimm. The fact that the telegram was sent from England proved the point that I was out of the country and that the postponement would be automatic. It had nothing to do with my trip concerning Loch Raven Hospital or the fact that they had anything to do with paying any expenses whatsoever. Since I was going to England anyway, Dr. Cawley gave me a note in case I had trouble stating to see a Dr. Reed in Bristol, England. Dr. Iber, who is head of the division at Loch Raven and the University Hospital, also recommended Dr. Reed, if I got in trouble. They thought that the extended trip might help my condition as they had discovered I had a hiatal hernia. However, in late November of 1983, I almost bled to death. It took more than a week to stop the bleeding, as I was in intensive coronary care at Loch Raven for five (5)

days. The Gastrointestinal doctors were concerned about my trip to England. They thought an extended stay from stress could be beneficial to my health. Dr. Iber was shocked and outraged when he learned that Judge Cicone had called two (2) doctors and questioned them of Larry Boyce. In thirty-five (35) years as a doctor he has never heard of such an outrageous and unethical phone call. After returning home I received a bill for a telegram at the end of May, 1984, I paid the balance of $25.00 and that was the very first time I had heard of a telegram from the Court in relation to the hearing of March 20, 1984. I never received it and furthermore, there is no way the private firm of Dear Sir could have gotten in touch with me. There was no Return Receipt Requested, furthermore it was sent Friday, March 16th, 17th and 18th the private office is closed. On Monday, the 19th would have been the

earliest they could have gotten a telegram. I saw the owner of Dear Sir, several times at the races, never once was any such telegram mentioned. The government of England has curtailed the messenger service and offices of their postal telegraph. Furthermore, the case was set for March 20th in the AM, they had a "picnic" at my expense. If there has ever been a one-sided affair, this is it. The fact is that only Mr. Hanley and Mr. Ridgely have submitted what they believe is the true file, I do not accept one damn word from them unless it is actually certified by the Court, and in this case, they haven't certified anything. Therefore, there is just one answer, send the case back to Judge Brizendine, whom Mr. Hanley could not wire, and obtain a jury trial to satisfy the Orphans' Court who had a split decision after Mr. Page had said that there was no contract between myself and my mother. It was unsigned, it

was not dated, it was not countersigned by John Wright and furthermore, my mother's signature was questionable as to when or if it was true.

D. Furthermore, with financial friction between my brothers and the advanced age of my mother, we decided to put all the money into the Mercantile Safe Deposit & Trust, where my uncle has been Chairman of the Board for many years. I felt I had done the best for all concerned, for the entire family, as it would give them security for years to come. However, I was lucky and made my mother several million dollars plus my income as a result of splitting our family stock, 2½ to 1, I asked for 3 to 1 and they obliged with 2½ to 1. In other words we were getting $75.00 per share instead of $30.00 per share. I had relied on the Mercantile Trust 100% to protect us. A few years later I learned that my sister and my

eldest brother had gotten the stock out of the Trust. Since it was irrevocable trust, I don't see how in the hell they got it out of the bank, they have Jessie James beat!

They might as well know right now that I intend to sue the Mercantile Trust for $30 million for failing to keep control of the family money, which amounted to $4 million 20 years ago. I also intend to sue James Ridgely for failing to keep his agreement with me and my mother in relation to selling the SCM stock. He lied to me at least fifteen times, and was caught selling the stock by a stockbroker of Legg Mason. We lost $742,000.00 in less than 60 days, so he sued for $2½ million.

E. I also note that Mr. Ridgely has asked for money for his court expense, if that isn't the height of "conceit," my cost has been $1,200.00 legal fees plus court expenses. I do not want the money to come from my mother's estate, I feel that

Ridgely and Hanley should pay out of their pockets. I also feel strongly, and I hope that this Court will agree, that Hanley and Ridgely should be suspended from practicing law for two (2) years and if it is proven that his son, took the file by direction, he should serve six (6) months in the jail-house.

F. That will break up the missing file business in Baltimore County. Enclosed is Exhibit A concerning the possibility of a jury trial. I would like to thank the Court of Baltimore County, especially Mr. Kahline and his staff for being so cooperative to an elderly person.

Lawrence P. Boyce
2200 Geist Road
Glyndon, Md. 21071

LAWRENCE PAGE BOYCE	*	IN THE
Petitioner	*	COURT OF APPEALS
vs.	*	OF
JAMES H. RIDGELY and ELISE BOYCE KELSEY, Personal Representative of the Estate of Elise Boyce Kelsey	*	MARYLAND
Respondent	*	

* *

PETITION FOR
WRIT OF CERTIORARI

Lawrence Page Boyce, Petitioner, respectfully requests the Court of Special Appeals of Maryland to issue a Writ of Certiorari to the Court of Special Appeals of Maryland in the case of Lawrence Page Boyce, Appellant vs. James H. Ridgely, et al, Appellees, Court of Special Appeals, September Term, Case No. 243, on the following grounds:

1. The appeal of Lawrence Page Boyce, Appellant vs. James H. Ridgely, et al, Appellees, was decided by the Court of

Special Appeals of Maryland, in an Unreported Opinion filed July 11, 1985. A copy of the Unreported Per Curiam Opinion of the Court of Special Appeals is attached hereto and made part hereof by reference, as Petitioners' Exhibit 1.

2. The Mandate of the Court of Special Appeals was issued on August 19, 1985. A copy of said Mandate is attached hereto by reference as Petitioners' Exhibit 2.

3. On Wednesday, July 17, 1985 I visited the Chief Deputy Clerk, Mr. Robert Booze. I questioned him concerning the Order to Dismiss dated July 11, 1985. It was a shock to learn that there had been no hearing by the three judges, nor any meeting by Judge Gilbert, Judge Adkins and Judge Bloom. This is hard to believe, all the work that goes into sending the docket down from the Circuit Court of Baltimore County to the Court of Special Appeals with the key to the whole problem not even brought to the

attention of the Court. This is what Chief Deputy Booze told me. The papers in this case were never brought to the attention of the Court. The key is the certified copy of what happened to the court file and how it disappeared. Mr. Kahline, the Clerk of the Circuit Court for Baltimore County explains its disappearance.

Therefore, without the Court file, there is no true record extract. I tried to explain this to Mr. Booze. He did not seem to understand the importance of the missing file, nor did Chief Clerk Mr. Friedman. They are holding me responsible for having a record extract and producing it for your Court and that is impossible. The blame should have been put on Mr. Ridgely and his son, Mr. James Ridgely and also Mr. T. Bruce Hanley. It is a trick on his part to demand that I produce the record extract which complies with Rule 1028, when he knows damn well that the file was lifted,

missing, stolen, or all three by the law firm of Ridgely and Hanley.

Chief Deputy Booze informed me that there is a screening committee which he and Mr. Friedman are members of. If anything is 1% off they throw it out of Court, especially if you are defending yourself, such as I am. He told me that better than 9 out of 10 cases that are represented by an individual are dismissed. Furthermore, neither Mr. Friedman nor Mr. Booze were aware of Mr. Kahline's certified letter when they made the snap judgment that my case did not meet their qualifications. When they submitted this to the Court, Judges Albert and Adkins and Bloom accepted their judgment. They never even bothered to ask for any of the docket entries which were in the vault for safe keeping.

I am therefore asking the Court of Appeals to look at Mr. Kahline's letter attached hereto as Exhibit 3 and the brief

that I filed as Exhibit 4. I devised the Brief for my presentation to the Court for my argument and for the rebuttal, not for my opponent.

I filed July 29, 1985 a Motion to Reinstate under Rule 1035C (attached hereto as Exhibit 5). Furthermore on August 2, 1985 I spoke with Mr. Booze again and told him that my cancer, lymphoma had become active again and I would have to spend a lot of time with checkups at the hospital. I therefore got permission to file a Supplemental Reply to Motion 1035C dated August 2, 1985 and was filed on August 5, 1985 at 8:53 a.m. (attached hereto as Exhibit 6).

I requested that my opponent Mr. Hanley have time to reply to my Exhibit. I delivered in hand a copy on the same date, August 5, 1985, he made no reply whatsoever. I have read the Rule 1035C backward and forward and have complied with

its conditions, the Court did not follow the Rule. If there had been any difference to the brief, I could have had the chance to correct and adjust to their requirements. In fact, I was shut off completely on August 12, 1985. My Motion for Reconsideration was denied.

I would like to thank Chief Deputy Booze for being so honest and helpful to me. I feel that the Chief Clerk, Mr. Friedman, as being on the various committees, plus as Clerk and as Judge's Advisor has taken its toll. He could very well need medical attention.

Whereas, I ask the Court of Appeals for a fair shake. I rate a shot to have a Hearing in the Court of Appeals which I was denied in the Court of Special Appeals.

Furthermore, my legal fees costs are now $2,050.00, plus court costs. I request that these costs be paid by the lawyers and not out of my mother's estate.

WHEREFORE, I, Lawrence Page Boyce, pray that a Writ of Certiorari be issued to the Court of Special Appeals, so that this Court may consider the important issues raised in the present case.

Respectfully submitted,

Lawrence Page Boyce
2200 Geist Road
Glyndon, Md. 21071

I hereby certify that a copy of the aforegoing Petition for Writ of Certiorari was hand delivered this 29th day of August, 1985 to T. Bruce Hanley, 400 Allegheny Avenue, Towson, Maryland 21204.

Lawrence Page Boyce

State of Maryland, County of Baltimore

Sworn to before me this 29th day of August, 1985.

_____
Notary Public

My Commission Expires: 7/1/86

Circuit Court for Baltimore County

Appellate Exhibit

No. 6

J.D.M. 3/20/84

Petitioners Exhibit 1

IN THE COURT OF SPECIAL

APPEALS OF MARYLAND

NO. 243

SEPTEMBER TERM, 1985

LAWRENCE PAGE BOYCE,

Appellant

v.

JAMES H. RIDGELY and ELISE BOYCE KELSEY
Personal Representatives of the Estate
of Elise Boyce Kelsey

Appellees

ORDER

Upon the foregoing Motion to Dismiss it is this 11th day of July, 1985, by the Court of Special Appeals of Maryland.

ORDERED, that this appeal be dismissed for failure to comply with the Maryland Rules, Rule 1028 and Rule 1031.

_____

_____

_____

Judges

I HEREBY CERTIFY that on this 27th day of June, 1985, a copy of the foregoing Motion to Dismiss -as mailed to Mr. Lawrence P. Boyce, 2200 Geist Road, Glyndon, Maryland 21071.

/s/ T. Bruce Hanley

#3B

Copy given to Mr. Boyce on July 17, 1985.

/s/ Robert J. Booze

Deputy Clerk

Original in Bonds of Indemnity

RELEASE

THIS RELEASE, made this 1st day of June, 1964, by ELISE GILLET BOYCE of Baltimore County, State of Maryland, and by LAWRENCE PAGE BOYCE of

WITNESSETH

WHEREAS, Elise Gillet Boyce has heretofore given, set over, transferred and delivered or caused to be given, set over, transferred and delivered to Lawrence Page Boyce absolutely 8,100 shares of the $2,125 cumulative preferred stock of The Glidden Company;

AND WHEREAS, the said Elise Gillet Boyce has heretofore executed a Realase of the mortgage dated April 25, 1955, from Lawrence P. Boyce to Elise Gillet Boyce, said mortgate being the recited principal amount of Forty-Five Thousand Dollars ($45,000.00) and recorded among the Land Records of Baltimore County in

Liber G.L.B. No. 2688, Folio 210;

AND WHEREAS, the said La rence Page Boyce in consideration of the aforegoing gifts has agreed to pay the Federal Gift tax on said gifts in the amount of Eighty four Thousand Eight Hundred Eighty Dollars and Sixty-one cents ($84,880.61)

AND WHEREAS, the payment of the aforesaid sum of Eighty-four Thousand Eight Hundred Eighty Dollars and Sixty-one Cents ($84,880.61) of Federal Gift tax by the said Lawrence Page Boyce is conditional on the said Elise Gillet Boyce for herself, her heirs, executors, and administrators releasing the said Lawrence Page Boyce, his heirs, executors and administrators form any liability or claim of liability for the payment of any Gift Tax, Federal Estate Tax, or State Inheritance Tax or any other tax or assessment in connection with said gifts or transfers.

NOW THEREFORE, THIS RELEASE WITNESSETH that in consideration of the payment of the aforesaid Gift Tax of Eighty-four Thousand Eight Hundred Eighty Dollars and Sixty-opne Cents ($84,880.61) by Lawrence Page Boyce to Elise Gillet Boyce and Wright, Robertson and Dowell jointly, the receipt of which is hereby acknowledged, the said Elise Gillet Boyce for herself, her heirs, executors and administrators does hereby RELEASE, ACQUIT, EXONERATE AND DISCHARGE the said Lawrence Page Boyce, his heirs, executors and administrators form the payment of any gift, estate, inheritance or other taxes or charges which may be assessed now or at any time hereafter by any State or Federal authority because of or resulting from said gifts or transfers.

NEVERTHELESS, it is further agreed and understood that this Release is being granted subject to the following

conditions:

1. It is agreed that the Eighty-four Thousand Eight Hundred Eighty Dollars and Sixty-one Cents ($84,880.61) in gift taxes paid by Lawrence Page Boyce to Elise Gillet Boyce and Wright, Robertson and Dowell will be placed in a savings account until April 1, 1965, and any interest accrued thereon will be paid to Lawrence Page Boyce; however, in the event the gift tax on the gifts herein referred to exceeds Eighty-four Thousand Eight Hundred Eighty Dollars and Sixty-one Cents ($84,880.61) due to appreciation of the value of the gifts between the time the gift tax was computed and the actual date of the gifts, the interest will first be applied to the increase in the gift tax and any balance will be paid to Lawrence Page Boyce. In the event there is a reduction in the gift tax due to depreciation, any excess will be

paid to Lawrence Page Boyce.

2. Elise Gillet Boyce agrees to fully cooperate in the event Lawrence Page Boyce seeks a refund for any excess payment of gift ax and agrees that any such refund will be paid to Lawrence Page Boyce. All expenses in connection with filing a refund will be borne by Lawrence Page Boyce. All expenses in connection with filing a refund will be borne by Lawrence Page Boyce.

IN WITNESS WHEREOF, Elise Gillet Boyce has hereunto set her hand and seal this 13 day of May, 1964, and Lawrence Page Boyce has hereunto set his hand and seal this 1st day of June, 1964.

WITNESS:

_____ /s/ Elise Gillet Boyce

_____ /s/ Lawrence Page Boyce

Lawrence P. Boyce
2200 Geist Road
Glyndon, Maryland 21071

January 30th, 1984

To Circuit Court of Baltimore County
Assignment Office
Attn: Miss Irene Sommers

This is a request for a postponement of the date selected for a hearing Tuesday, March 20th, 1984 @ 9:30 A.M.

I informed this assignment office that I would be in England for a month as of March 8th, 1984. I shall return by April 15th, 1984.

I told this to the office about 1/18/84. I hope to see "Larry the Yank" run over jumps plus the Festival Meeting of Cheltenham. The opening of the season at Doncastershire - the Grand National. It will be fun.

Sincerely,

Lawrence P. Boyce

Larry Boyce

Copy to Mr. Bruce Hanley
c/o Ridgely-Hanley
400 Allegheny Avenue

Lawrence P. Boyce
2000 Geist Road
Glyndon, Md. 21071

January 30th, 1984

To Circuit Court of Baltimore County
Assignment Office
Attn Miss Irene Sommers

This is a request for a Jury Trial in the case of Boyce Vs Ridgely et al

84L29

Thank you

Lawrence P. Boyce
Larry Boyce

Copy to Mr. Bruce Hanley
c/o Ridgely & Hanley
400 Allegheney Avenue
Towson, Maryland

F. EXHIBIT A

IN THE CIRCUIT COURT FOR

BALTIMORE COUNTY, MARYLAND

LARRY BOYCE,

Plaintiff,

vs Case No. 84 LAW 29

JAMES H. RIDGELY

Defendant.

_____/

REPORTER'S OFFICIAL TRANSCRIPT

OF PROCEEDINGS

(Except: Comments by Court)

Towson, Maryland 21204

February 17, 1984

BEFORE:

HONORABLE AUSTIN W. BRIZENDINE,

Associate Judge

APPEARANCES:

For the Plaintiff:

LARRY BOYCE

For the Defendant:

BRUCE HANLEY, ESQ.

WILLIAM C. FORAND
Official Court Reporter
M-08, 401 Bosley Avenue
Towson, Maryland 21204

P R O C E E D I N G (Excerpt)

THE COURT: You requested the Clerk to grant you a jury trial.

MR. BOYCE: Yes.

THE COURT: And that's why we are here and that's what I am deciding.

MR. BOYCE: Well, if you decide against me, I mean, heck, I do not know anything about that at all.

THE COURT: I have to, Mr. Boyce, I mean, the law is clear.

MR. BOYCE: To be honest, I have had

pains back in the area where I almost bled to death and I have not been able to get a lawyer. Excuse me, and I need time to get a lawyer, is what I do now?

THE COURT: Well, what you can do, if you get an attorney then you can ask that there be reconsideration of something on this ruling that I have made today. That's possible.

MR. BOYCE: Do what, sir? Excuse me, I mean - -

THE COURT: If you get an attorney he can file a motion for reconsideration.

MR. BOYCE: Fine. Thank you.

MR. HANLEY: Thank you, Your Honor.

MR. BOYCE: Thank you, Your Honor.

THE COURT: All right.

(Conclusion of excerpt)

Mailgram Service Center
Middletown, VA 22645
16 AM

Western Union Mailgram

4-040717S076002 03/16/84 ICS IPMMTZZ
CSP BALB
1 3013219416 MGM TDMT TOWSON MD 03-16
1208 P EST

CIRCUIT COURT FOR BALTIMORE COUNTY CLERKS OFFICE
COUNTY CTS BLDG 401 BOSLEY AVE
TOWSON MD 21204

THIS IS CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

INTL IMG TDMT TOWSON MD 93/89 03-16
1208P EST

IMG TELEMESSAGE
LAWRENCE P BOYCE
WOLSELEY HOUSE
ORIEL RD
CHELTENHAMGLOSGL510TH (ENGLAND)
CASE 84L29 SCHEDULED MARCH 20TH 1984 NOT POSTPONED ADMINSTRATIVE JUDGE SPOKE TO DOCTORS AND ADVISED US THAT YOUR TRIP WAS NOT FOR MEDICAL REASONS
THEY STATED THAT YOUR HEALTH WAS GOOD ENOUGH TO TAKE TRIP
YOU AND OTHER SIDE AGREED TO TUESDAY MARCH 20TH 1984 CASE WILL GO FORWARD AS SCHEDULED

SIGNED: ELMER H. KAHLINE CLERK OF THE CIRCUIT COURT BALTIMORE COUNTY

JOYCE G GRIMM CENTRAL ASSIGNMENT DIRECTOR
THE COUNTY COURTS BLDG
401 BOSLEY AVE
PO BOX 6754
TOWSON MD 21204-0754

12:09 EST

MGMCOMP

Circuit Court for Baltimore County

Appellates Exhibit

No. 8

J.D.M. 3/20/84

Mailgram Service Center
Middletown, VA 22645
12 A.M.

Western Union Mailgram

1-050335G072 03/12/84 ICS IPMIIHX IISS
BALA
KNY 167 9423TOWS GBBM BIRMINGHAM 100/76
12 1044

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE, COUNTY COURTS BUILDING
401 BOSLEY AVENUE, P.O. BOX 6754
TOWSON
MARYLAND 21204-0754

MONDAY MARCH 12TH 1984 CHELTENHAM ENGLAND

ATTENTION ASSIGNMENT OFFICER, JOYCE GRIMM

POSTPONEMENT CASE 84L29 TUESDAY MARCH 20TH

1984.

OUT OF COUNTRY UNTIL MIDDLE OF APRIL
DOCTORS KUNZE AND COWLEY RECOMMENDED COMPLETE GRIP, DOCTOR IVER RECOMMENDS DOCTOR REED IN BRISTOL ENGLAND IF NECESSARY.
LAST THURSDAY BIOPSY REPORT NOT CLEAR.
WILL NOT BE AVAILABLE FOR COURT UNTIL
JUNE AT BEST, ANOTHER BIOPSY AND SERIOUS
OPERATION.

LAWRENCE P. BOYCE

COPY TO: BRUCE HANLEY 400 ALLEGHENY
AVENUE TOWSON MARYLAND 21204
WOLSELEY HOUSE
ORIEL ROAD CHELTENHAM
GLOS GL51-OTH
UNITED KINGDOM
12 MARCH 1984 NNN 05:48 EST MGMCOMP

'Dear Sir'
Typewriting & Secretarial Agency
with Telex

C.D. Dickson
M.R.D. Williams

Suite 2, Wolseley House, Wolesely Terrace, Oriel Road, Cheltenham, CL50 1TH.

Mr. L. P. Boyce

March 12th
Eleven o'clock

INVOICE

Your Order No.	Invoice No.	Date
	4984	12-3-84

Description

Sending telemessage to

Baltimore County Court

House, Towson $ 4.00

Review

L8-05

Cov 12-3-84

Subtotal	4.05
VAT at 15%	1.05
Total due	8.05

'Dear Sir' Typewritng & Secretarial

Agency with Telex

C.D. Dickenson Suite 2, Wolseley House,

Wolseley Terrace,

M.R.D. Williams Oriel Road, Cheltenham,

CL50 ITH

MR. L. P. BOYCE

March 12th eleven o'clock

INVOICE

Your order no.	Invoice no.	Date
	4984	12.3.84

Quantity	Description	Unit price	Amount
	Sending telemessage		
	to Baltimore County		
	Court Towson		4.00
	Reviewer W.H.O		
	L8-05		
	Cov 12.3.84	Sub.total	4.05
		VAT at 15%	1.05
		Total due	8.05

VAT is registration number
274 6259 34 This is a sale

2.24.84 Phone Tuesday $2.00

Dr. Andrew Cowley

Elevate head of bed - 6"

Avoid coffee, chocolate, smoking, alcohol.

Maylanta: II: 15cc 1/2 hr. after meals and bedtime.

(doctors notes not readable)

Hiatris Hernia

Pref: Allen Reed at Bristol, England

Re Dr. Iber

Progress Notes

OFFICES OF THE CLERK OF THE
CIRCUIT COURT

For

BALTIMORE COUNTY

County Courts Building
401 Bosley Avenue, Towson, Maryland 21204

ELMER H. KAHLINE, JR.
Clerk of Court
(301)494-2601

April 22, 1985

Re: Larence P. Boyce, vs.
James H. Ridgely and
Elise Boyce Kelsey
Case # 84-L-29

I, Elmer H. Kaline, Jr., Clerk of the Circuit Court for Baltimore County, certify that the following facts are true to the best of my knowledge, information and belief.

1. The case of Lawrence Page Boyce vs. James H. Ridgely and Elise Boyce Kelsey was received on appeal from the Orphans' Court for Baltimore County on January 5, 1984 and was assigned case number 84-L-29.

2. On March 20, 1984, Judge John N. Maguire granted the Appelant's Motion raising preliminary objections.

3. On April 23, 1984, the original file with docket entries was returned to the Register of Wills Office for Baltimore County.

4. After the case was returned to the Register of Wills Office for Baltimore County, the plaintiff filed a motion with this Office on June 29, 1984 to vacate the order of March 20, 1984 and the case was set for hearing in this Court on November 7, 1984.

5. On September 18, 1984, Mr. James Ridgely, law clerk for Judge Frank E. Cicone, Circuit Administrative Judge, proceeded to go to the Register of Wills Office and personally signed out for the case

of Lawrence P. Boyce vs. James H. Ridgely and Elise Boyce Kelsey and delivered the same to Judge Frank E. Cicone's Chambers. On the morning of the hearing, November 7, 1984, Mr. Ridgely was asked to take the case file to the Courtroom of Judge John N. Maguire and as of that date, no one has any recollection as to the whereabouts of the case file with rhe original papers.

6. When an appeal was filed by this Office on December 5, 1985, Mr. William E. Allen, Assistant Chief Deputy of the Clerk's Office, contacted Mr. Maher who represented the plaintiff at that time and Mr. T. Bruce Hanley who represented the defendant and asked them if they could give us photo copies of all the papers in the case so

we could reconstruct the case file as no one had any knowledge as to the whereabouts of the case file with the original papers. Mr. T. Bruce Hanley, attorney for the defendant, was gracious enough to supply us with a coly of all prc-ceedings he had any record of in the above case, so we have re-constructed the case in accordance with the copies of papers received for forwarding to your Office on appeal.

Date: April 22, 1985

/s/ Elmer H. Kahline,
Jr. Clerk
Circuit Court of
Baltimore County

True Copy Test
Elmer H. Kahline, Jr., Clerk

Per /s/ M. Smith 4/25/85
Deputy Clerk

STATE OF MARYLAND, COUNTRY OF BALTIMORE,

TO WIT:

I HEREBY CERTIFY, that the aforegoing is a true photo copy of the original Affidavit of Elmer H. Kahline, Jr., Clerk of the Circuit Court for Baltimore County taken from the Civil General records of the Circuit Court for Baltimore County as recorded in Docket EHK, JR. No. 154 Page 29 Case 84129.

Signed and Seal affixed this 5th day of March, 1986.

/s/ Elmer H. Kahline, Jr.

Clerk of the Circuit Court for Baltimore County

(Seal Affixed to original)

Court of Appeals

of Maryland

Courts of Appeal Building

Annapolis, Md. 21401-1699

Robert C. FRanke
Chief Deputy

Mary J. Morris
Jane A. Faudree
Nancy Z. Elzey
Deputies

Alexander L. Cummings
Clerk

269-3341
Washington area 261-2999

November 26, 1985

TO: Clerk, Circuit Court for
Baltimore County

FROM: Robert C. Franke, Chief Deputy
Clerk

RE: Lawrence Page Boyce v. James H.
Ridgely and Elise Boyce Kelsey,
Pers. Rep. of the Estate of
Elise Boyce Kelsey
Petition Docket No. 411,
September Term, 1985

A petition for a writ of certiorari was filed with the Clerk's Office of the

Court of Appeals of Maryland on August 29, 1985, in the above captioned case.

RCF/nze

TTY for Deaf:

Annapolis area
269-2609

Washington area
565-0450

LAWRENCE PAGE BOYCE	*	IN THE
Petitioner	*	COURT OF APPEALS
vs.	*	OF
JAMES H. RIDGELY and ELISE BOYCE KELSEY, Personal Representative of the Estate of Elise Boyce Kelsey	*	MARYLAND
Responsent	*	

* * * * * * *

PETITION FOR
WRIT OF CERTIORARI

Lawrence Page Boyce, Petiioner, respectfully requests the Court of Appeals of Maryland to issue a Writ of Certiorari to the Court of Special Appeals of Maryalnd in the case of Lawrence Page Boyce, Appellant vs. James H. Ridgely, et al, Appellees, Court of Special Appeals, September TErm, Case No. 243, on the following grounds:

1. The appeal of Lawrence Page Boyce, Appellant vs. James H. Ridgely, et al, Appellees, was decided by the Court of

Special Appeals of Maryland, in an Unreported Opinion filed July 11, 1985. A copy of the Unreported Per Ciriam Opinion of the Court of Special Appeals is attached hereto and made part hereof by reference, as Petitioners' Exhibit 1.

2. The Mandate of the Court of Special Appeals was issued on August 19, 1985. A copy of said Mandate is attached hereto by reference as Petitioners' Exhibit 2.

3. On Wednesday, July 17, 1985 I visited the Chief Deputy Clerk, Mr. Robert Booze. I questioned him concerning the Order to Dismiss dated July 11, 1985. It was shock to learn that there had been no hearing by the three judges, nor any meeting by Judge Gilbert,

Filed
August 29, 1985

Petitioners Exhibit 2

MANDATE

Court of Special Appeals of Maryland

No. 243, September Term, 1985

LAWRENCE PAGE BOYCE -	July 1, 1985 - Motion to dismiss appeal filed by counsel for appellees
V.	
JAMES H. RIDGELY AND ELISE BOYCE KELSEY, PERSONAL REPRESENTATIVES OF THE ESTATE OF ELISE GILLET BOYCE	July 11, 1985 - Motion to dismiss granted. Md. Rules 1028 and 1031.
	July 29, 1985 - Motion to reinstate appeal filed by appellant.
	August 12, 1985 - Motion to reinstate appeal denied.
	August 19, 1985 - Mandate issued.

STATEMENT OF COSTS:

In Circuit Court: for Baltimore County

Record	40.00
Stenographers Cost	44.00

In Court of Special Appeals:

Filing Record on Appeal.....	50.00
Printing Brief for Appellant....	43.20
Reply Brief.....	
Portion of Record Extract - Appellant.....	
Printing Brief for Cross-Appellee	
Printing Brief for Appellee.....	
Portion of Record Extract - Appellee.....	
Printing Brief for Cross-Appellant.....	

NOTE

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this nineteenth day of August, A.D. 1985.

/s/ Howard E. Friedman
Clerk of the Court of Special Appeals of Maryland

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH

THIS OFFICE.

OFFICE MEMORANDUM
OF
MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY

Estate: LAWRENCE PAGE BOYCE
Trust No.: 16761
Date: Jun3 10, 1963

Mr. _____

I met today with Mr. John Wright, attorney for Mrs. Elise Gillet Boyce, with reference to her son Larry. Mr. Wright advises me as follows:

1. Mrs. Boyce will be willing to join with her son Larry in any proceeding that might be taken in order to terminate this trust. He is aware that if the trust is terminated and the trust property is distributed to Larry that gift taxes will be payable by Mrs. Boyce and Mr. Wright thinks the amount of such tax should be paid out of the trust property.

2. Mrs. Boyce will be willing to release the mortgage on her son's home in the event he sells it and would be willing

for him to have the net proceeds of sale without being reduced by the amount of the mortgage.

3. Mrs. Boyce's Will makes provisions for a trust for Larry with benefits therefrom after his death to his daughter Claire.

I told Mr. Wright that in my last conversation with Larry he said he wanted the trust maintained as it gave him a regular income but would like to have his income increased to around $15,000. per annum. Mr. Wright suggests that I talk to Larry when he returns to Baltimore and find out exactly what he wants to do and get in touch with him. I am at liberty to disclose the above to him.

N. S. Winter
Vice President

IN THE	*	In The
MATTER OF	*	ORPHANS COURT
THE ESTATE OF	*	FOR
ELIZA GILLET BOYCE	*	BALTIMORE COUNTY
a/k/a ELISE GILLET	*	Estate No: 51779
BOYCE	*	

* * * * * * *

ORDER

The Court having read the foregoing Caveat, Motion Raising Preliminary Objection, Exhibits and taken testimony before Chief Judge Mensh and Judge Page on November 1, 1983, concerning the matters at issue, does hereby ORDER this 7 day of December, 1983, that no decision be rendered in this case, pending Appeal of this Order by the parties to the Circuit Court for Baltimore County.

The Court's decision in this matter is based upon the disagreement between Judges Mensh and Page concerning the effect of an agreement between the Caveator,

LAWRENCE PAGE BOYCE, and the Testatrix, ELIZA GILLET BOYCE a/k/a ELISE GILLET BOYCE, a part of which agreement was that Caveator promised not to contest the Last Will and Testament of Testatrix, and waived any interest in her estate. The terms of this agreement were fully performed by Testatrix, and re-affirmed in her Will, and were performed by the Caveator up to the time of and with the exception of his Caveat, and were admitted by the Caveator in testimony before this Court. It is the opinion of Judge Mensh that the course of conduct of Testatrix and Caveator establishes a valid and enforceable contract by which Caveator has no standing to maintain a Caveat. It is the opinion of Judge Page that absent the admittance into evidence of a fully executed written copy of this agreement (which such fully executed copy has been lost over the ensuing twenty (20) years

from time of execution to the death of the Testatrix), this agreement cannot be enforced against Caveator, and that absent such enforcement of this agreement, he has standing to Caveat.

Susan Mensh

Alexander B. Page, Jr.
Judges

True Copy Test

.....
Register of Wills for Baltimore County

*

*

* * * * *

PETITION TO Caveat

UNTO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition to Caveat of Lawrence Page Boyce, son and heir of the Decedent, Eliza Gillet Boyce, represented unto this Honorable Court that:

1. Eliza Gillet Boyce died on February 13, 1983, domiciled in Baltimore County, Maryland.

2. Acting upon a Petition for Administrative Probate filed by Eliza Boyce Kelsey and James H. Ridgely, Esquire, the Register of Wills for Baltimore County did admit for probate the document filed therewith, purported to be the Last Will and Testament of Eliza Gillet Boyce, dated November 13, 1980, and pursuant to the terms of the

alleged Will, did appoint Elise Boyce Kelsey and James H. Ridgely, Esquire, as Personal Representatives.

3. On February 16, 1983, Elise Boyce Kelsey and James H. Ridgely, Esquire did qualify as Personal Representatives by filing the requisite bond, and letters of Administration were issued.

4. The following is a list of the names and addresses of the persons interested in these proceedings:

Elise Boyce Kelsey 1016 North Lake Avenue Grenwich, CT. 06830	Daughter, Trustee Personal Representative
William Graham Boyce III Bacon Hall Farm Glencoe, MD. 21152	Grandson
Lambert Gittings Boyce Glen Arm Road Glen Arm, MD 21057	Son
James H. Ridgely, Esquire 400 Allegheny Avenue Towson, MD. 21204	Trustee & Personal Representative
Lawrence Page Boyce 2200 Geist Road Glyndon, MD. 21071	Caveator, Son and Heir-in-law

5. Your Petitioner believes and therefore avers that the said document, bearing a date of November 13, 1980, is not the Last Will and Testament of Eliza Gillet Boyce, for on said date, Eliza Gillet Boyce was not legally competent to make a Will and therefore she died intestate.

6. Your Petitioner believes and therefore avers that the alleged Will of Eliza Gillet Boyce was procured by the exercise of undue influence upon her by Elise Boyce Kelsey and is therefore, without legal effect.

7. Your Petitioner believes and therefore avers that the individuals whose names are allegedly subscribed as witnesses thereon were not visible by Eliza Gillet Boyce when they placed their signature thereon.

WHEREFORE, your Petitioner prays:

(a) That the said Elize Boyce

Kelsey be required to answer this matter.

(b) That the alleged Will of Eliza Gillet Boyce, dated November 13, 1980, be declared invalid and of no legal effect.

(c) That it be found that Eliza Gillet Boyce died intestate.

(d) That letters of Administration be granted to your Petitioner, and all other letters be revoked.

(e) Such other relief as the proceedings may require.

AND AS IS DUTY BOUND, ETC.

The undersigned does solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Petition to Caveat are true and correct to the best of his knowledge, information and belief.

/s/ J. William Martin, Attorney
Executive Plaza One -
Suite 501
Hunt Valley, Maryland 21031
Phone: (301) 667-1321

/s/ Lawrence Page Boyce
Caveator

On February 6, 1986 I went to have the forged signature of my mother checked. I discovered the "contract" had been stolen from the docket. I reported this fact to the Chief Clerk Leisure. I returned to the Orphan's Court on 2/28/86 to again check on the stolen contract. It was still stolen. Deputy Clerk Bernice assured me that the reported date for the contract being missing was 2/6/86.

Lawrence P. Boyce

Lawence P. Boyce
2200 Geist Road
Glyndon, Maryland 21071

Subscribed and sworn to me in my presence, this First day of March, 19 86 a notary public in and for the county of Baltimore, State of Maryland

Signature
Notary Public

My commission expires July 1, 1986

Mrs. W. Graham Boyce
Bacon Hall Farm, Glencoe, MD
21152

Dear Laurie,

It would be nice to see you soon. Could we have lunch here or would you rather have me take you out some place. You might not recognize me as I am now very much older and decrepid since we saw each other - I now am pushing 90 so don't expect to be around very much longer. Call me. I hope you won't dissapoint me. Love as always

/s/ Mother

Postmark 9/26 A.M.
1974
Sparks 21152

Mr. Lawrence Boyce

Geist Road

Glyndon,

Md.

LAWRENCE PAGE BOYCE	In the Court of
v.	Appeals of
JAMES H. RIDGELY and ELISE BOYCE KELSEY, Personal Representative of the Estate of Elise Gillet Boyce	Maryland Petition Docket No. 411 September Term 1985 (No. 243, September Term, 1985 Court of Special Appeals)

ORDER

Upon consideration of this petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert C. Murphy
Chief Judge

Date: December 2, 1985

BEST AVAILABLE COPY

FILED
APR 8 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. 85-1478

IN THE

Supreme Court of the United States

OCTOBER TERM, 1985

LAWRENCE P. BOYCE,

Petitioner,

v.

JAMES H. RIDGELY AND ELISE BOYCE KELSEY,
PERSONAL REPRESENTATIVES OF THE ESTATE OF
ELISE GILLET BOYCE,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF APPEALS OF MARYLAND

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

STEPHEN C. WINTER,
RIDGELY, HANLEY & WINTER,
400 Allegheny Avenue,
Towson, Maryland 21204,
(301) 296-6040,
Attorneys for Respondents.

The Daily Record Co., Baltimore, MD 21202

QUESTIONS PRESENTED

I.

Did the Court of Appeals of Maryland err in failing to grant Petitioner's Writ of Certiorari if the reason the Court of Special Appeals of Maryland dismissed Petitioner's Appeal was for failure to comply with Maryland Rules of Civil Procedure in the contents of Petitioner's brief filed in that Court.

II.

Under the facts of this case does Petitioner have standing to bring a caveat against the Will of his mother, Eliza Gillet Boyce a/k/a Elise Gillet Boyce.

TABLE OF CONTENTS
AND INDEX OF AUTHORITIES

	Page
QUESTIONS PRESENTED	1
CONCISE STATEMENT OF THE CASE	13
ARGUMENT	18

AUTHORITIES

Cases

Bruton v. Smith, 174 Md. 516, 199 A. 517 (1938)	26
Edelen v. Edelen, 11 Md. 415 (1857)	25
Mauer v. Naill, 5 Md. 324 (1854)	25
Senk, Executrix v. Mork, 212 Md. 413, 129 A. 2d 675 (1957)	23
United States v. Johnson, 268 US 220, 227 (1925)	20
Yingling v. Smith, 254 Md. 366, 255 A. 2d 64 (1969)	25

Miscellaneous

Contest of Wills in Maryland (1941) Sykes	24

Maryland Rules of Procedure, Rule 1028 5

Maryland Rules of Procedure, Rule 1030d. 10

Maryland Rules of Procedure, Rule 1031c. 11

Lower Court Opinion

Lawrence Page Boyce v. James H. Ridgely and Elise Boyce Kelsey, Personal Representatives of the Estate of Elise Gillet Boyce, 304 Md. 631 (1985) 17

No. 85-1478

In The
Supreme Court of the United States

October Term, 1985

LAWRENCE P. BOYCE,

Petitioner

v.

JAMES H. RIDGELY and ELISE BOYCE KELSEY, Personal Representatives of the Estate of Elise Gillet Boyce,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF MARYLAND
BRIEF IN OPPOSITION
TO PETITION FOR WRIT OF CERTIORARI

Maryland Rules of Procedure

Maryland Rules of Procedure, Rule 1028:

"a. Appellant to Print.

"In civil cases, unless a statement is filed pursuant to Rule 1029b or unless otherwise ordered by this Court, the appellant shall cause to be printed, either as a separate volume or as an appendix to his brief, extracts of the record which shall include the parts thereof provided for by section b of this Rule arranged in the order in which the same appear in the record. The extracts from the record so printed shall be copied verbatim except as otherwise

provided in section g of this Rule. Asterisks or other appropriate means shall be used to indicate omissions in the testimony or in the exhibits, reference to the pages of the record and transcript shall be made and the date of filing each paper printed shall be stated at the head of the copy. The table of contents, provided for in section c 1 and d 1 of Rule 1031 (Style and Contents of Brief) shall also cover the contents of an appendix bound with the brief and shall give reference to initial page of the direct, cross, and redirect examina-

tion of each witness and of each pleading, exhibit, or other paper printed, and shall identify each such document by a descriptive phrase, and if an exhibit, also, its number. An appendix bound separately shall be prefaced with a table of its contents in like form. If the transcript of testimony is reproduced, the pages shall be consecutively renumbered; any photograph, document or other paper filed as an exhibit which is to be included in the appendix or printed record extract shall be included in all copies of the appendix or printed record

extract, and may be either folded to the appropriate size, or photographically or mechanically reduced, so long as legibility is not impaired. The size, style, format and binding of the appendix or printed record extract shall be the same as those prescribed for a brief by section a of Rule 1031 (Style and Contents of Brief).

"b. Contents

"1. What to Be Included.

"The printed extract shall contain such parts of the record as may reasonably be necessary for the determi-

nation of the questions presented by the appeal, and shall include:

"(a) The judgment appealed from, together with the opinion or charge of the lower court, if any.

"(b) So much of the evidence, pleadings or other parts of the record as is material to any question the determination of which depends upon the sufficiency of the evidence, pleadings or other matter contained in the record to sustain any action, ruling, order or judgment of the lower court.

"(c) Such other parts of the record as may be designated by the parties pursuant to section c. of this Rule.

"2. What to Be Excluded.

"The printed extract should not include those parts of the record which:

"(a) Support facts set forth in an agreed statement of facts pursuant to section g. of this Rule, or

"(b) Are summarized in a stipulation pursuant to section g. of this Rule."

Maryland Rules of Procedure, Rule 1030d.:

"d. Copies to Be Furnished Counsel.

"Two copies of each brief and printed extract shall be served by counsel filing the same on each of the counsel of record on the opposite side as soon as the same are forwarded to the Clerk of this Court for filing."

Maryland Rules of Procedure, Rule 1031c.:

"c. Contents of Appellant's Brief.

"The brief of the appellant shall contain in the order here indicated:

"1. Table of Contents and Citations.

"A table of contents and a table of citations of cases, constitutional provisions,

statutes, ordinances, rules and regulations, with cases alphabetically arranged. When Maryland cases are cited, the citation shall include a reference to the official Reports, if published."

CONCISE STATEMENT OF THE CASE

On February 13, 1983, Eliza Gillet Boyce a/k/a Elise Gillet Boyce, died testate in Baltimore County, Maryland. On February 16, 1983, her Will was offered for Probate with the Register of Wills for Baltimore County. As designated by her Will, Elise Boyce Kelsey and James H. Ridgely were appointed Personal Representatives of the estate.

On August 15, 1983, Lawrence Page Boyce,Petitioner, son of the decedent, filed in the Orphans' Court for Baltimore County a "Petition to Caveat" his mother's Will. In response to the Caveat, the then Special Administrators, Elise Boyce Kelsey and James H. Ridgely, filed a Motion Raising Preliminary Objection. The Motion alleged inter alia that (i) the Caveator,

Lawrence Page Boyce, had no "property interest" in the estate of his mother because, pursuant to a 1963 agreement between Mr. Boyce and the decedent, Mr. Boyce had taken his portion of his mother's estate during her lifetime, and (2) in consideration thereof, Mr. Boyce had waived all of his rights and interests in her estate and agreed not to contest her Will.

The Special Administrators requested the Orphans' Court for Baltimore County dismiss the Caveat based on the lack of standing of Mr. Boyce to bring the Caveat. On November 1, 1983, an evidentiary hearing was held in the Orphans' Court before Chief Judge Mensh and Judge Page of that Court.

The two judge panel of the Orphans' Court could not agree upon a definitive ruling and directed respondent to file an appeal to the Circuit Court for Baltimore County. On March 20, 1984, the Circuit Court for Baltimore County granted respondents' Motion Raising Preliminary Objection, finding that Petitioner had no standing to bring the caveat against his mother's Will. A Motion to Vacate the Order Granting Respondents' Motion was filed on June 29, 1984 and denied by the Circuit Court on November 7, 1984.

Petitioner again displeased by the ruling of the trial court filed a direct appeal to the Court of Special Appeals of Maryland on December 5, 1984, and on June 13, 1985, Petitioner filed his brief with the same Court. Respondent in lieu

of a brief filed a "Motion to Dismiss" on grounds that the rules of the Court of Special Appeals of Maryland had been flagrantly violated by the papers filed by Petitioner.

1. Petitioner had failed to timely serve upon counsel for respondents copies of his brief (Md. Rules, Rule 1030d):

2. That the brief failed to conform to the content requirements for briefs and record extracts as set forth in the rules (Md. Rules, 1031c and 1028).

On July 11, 1985, by "Order" the Court of Special Appeals of Maryland dismissed Petitioner's Appeal "for failure to comply with the Maryland Rules, Rule 1028 and 1031." Petitioner then filed a "Motion to Reinstate" his appeal, which

was denied by that Court on August 12, 1985. Pursuant to Court Rules a mandate of the Court was issued on August 19, 1985.

On August 29, 1985, a "Petition for Writ of Certiorari" was filed in the Court of Appeals of Maryland (the State of Maryland's highest Appellate Court). By "Order" of that Court dated December 2, 1985, the Petition was denied for reason stated "there has been no showing that review by certiorari is desirable and in the public interest." 304 Md. 631 (1985).

On March 3, 1986, Petitioner filed with The Supreme Court of the United States a Petition for Writ of Certiorari. This brief is filed in opposition to the Petition for Writ of Certiorari.

ARGUMENT

The Respondent respectfully suggests it would not be in order for this Court to grant Petitioner's Writ of Certiorari to the Court of Appeals of Maryland.

I

THE ISSUES PRESENTED FOR WRIT OF CERTIORARI ARE NOT SUFFICIENTLY IMPORTANT TO WARRANT THIS COURT'S ATTENTION.

All of the questions presented to this Court for review deal exclusively with Petitioner's claims that the Orphans' Court for Baltimore County, Maryland, should take certain specified actions with regard to the disposition of the estate of Petitioner's deceased mother, (all of which are different from Petitioner's original request to the Orphans' Court to set aside his mother's Will).

In all of the questions presented there is not a scintilla of claim of violation or interpretation of any federal right of the Petitioner by the Court of Appeals of Maryland or any other court which has considered Petitioner's claims.

No issues have been raised which in any fashion satisfy the requirements of jurisdiction of this Court, be it the Constitution of the United States, the Statutes of the United States or the Rules of this Court.

The issues in this case are unlikely to recur and are too narrow to warrant review by this Court on Certiorari. At best the questions raised are of interest only to the parties to this proceeding. The Petition requests this Court to review a lengthy record, previously presented to

four other courts, to see if it can find what other courts have been unable to find - proof that the Petitioner was denied any rights. This Court has indicated that "we do not grant a certiorari to review evidence and discuss specific facts" United States v. Johnson, 268 US 220, 227 (1925). The questions raised turn entirely on the facts of this case and have no impact outside the limits of this case.

The Writ of Certiorari should be denied.

II

THE CIRCUIT COURT FOR BALTIMORE COUNTY WAS CORRECT IN FINDING THAT PETITIONER, HAVING BY AGREEMENT WITH HIS MOTHER RENOUNCED HIS INTEREST IN HER ESTATE, HAD NO STANDING TO MAINTAIN A CAVEAT AGAINST HIS DECEASED MOTHER'S WILL.

In 1964 after a period of negotiation, Petitioner entered into an agreement with his mother in which he received assets of a value of $447,140.59 and in consideration therefor renounced all of his interest in his mother's estate and waived his right to contest her Will. At her death, Petitioner's mother's Will contained the following provision:

> "I make no provision in my Will for my son, LAWRENCE PAGE BOYCE, or his daughter, <u>because at his request</u>, I transferred a substantial amount of my assets to him during my lifetime." (emphasis added).

Unsatisfied with the sum of money he had received in 1964 and in violation of the Agreement, Petitioner filed a caveat

against his mother's Will. The Estate filed a Motion Raising Preliminary Objection based upon the agreement of the son and mother and questioning Petitioner's standing to bring the caveat. The merits of this Motion were decided in favor of the Estate by the Circuit Court for Baltimore County, Maryland.

The decision of that Court is sustained by the law of Maryland. In order to maintain a caveat, the caveator must possess a property interest in the estate of the decedent left after the challenged will is set aside. Although the Maryland statute describing caveat proceedings (Annotated Code of Maryland, Estates and Trusts Article § 5-207) does not define persons entitled to institute Will contests, Maryland law requires that a

caveator have a "property interest" in the estate which would exist after the contested Will is annulled.

In Senk, Executrix v. Mork, 212 Md. 413, 129 A.2d 675 (1957) states at page 420:

> "Our statutes do not specify the persons who are entitled to contest the validity of a will; but the rule is firmly established, as was recently restated by Judge Hammond in Fry v. Yeatman, 207 Md. 379, at 383, 114 A.2d 620, at 632: 'An interest in the property is the very foundation of the right to caveat.'" (cites omitted).

This rule was stated by Chief Judge Philip L. Sykes of the Orphans' Court of Baltimore City, in his authoritative work on the subject, Sykes, Contesc of Wills in Maryland (1941) §4 at 5:

> "There is no statute in Maryland describing or specifying the persons who may caveat wills, but the question has been passed upon in a number of cases. The general rule deducible from these decisions is, that any person having an interest in the property of a testator, in the event that the will is annulled, has the right to caveat his will, whether his interest arises from his relationship to the decedent, as in

the case of an heir, or is acquired under the provisions of a prior will."

It has also been held in Maryland that the right to caveat is both descendible and assignable. As stated in Yingling v. Smith, 254 Md. 366, 255 A.2d 64 (1969) at page 372:

"o o o

...that Maryland, since 1890 has aligned itself with the majority view that the right to caveat is a property right which is descendible as well as assignable."

In Edelen v. Edelen, 11 Md. 415 (1857) and Mauer v. Naill, 5 Md. 324 (1854), the Court of Appeals of Maryland

held that a wife's right to caveat could be relinquished in an anti-nuptial agreement.

Respondent proved to the satisfaction of the State Trial Court that Petitioner had entered into an agreement with his mother not to contest her Will. In an identical factual situation, Chief Judge Bond of the Court of Appeals of Maryland in Bruton v. Smith, 174 Md. 516, 199 At. 517 (1938), held such an agreement legally effective. In Bruton, supra, the son of decedent had entered into an agreement with his father providing that in consideration for a father's transfer of substantial assets to his son, the son agreed not to contest any Will made by his father. In affirming the Orphans' Court's order denying caveator, son's petition for issues, Judge Bond stated:

"There can be no doubt of the effectiveness in law of an agreement not to contest a will, none of the jurisdiction of the Orphans' Court to determine what persons have or have not an interest to make a contest, and none of the right of an intending contestant to have transmitted to a court of law for trial proper issues to try the facts upon which his interest, or lack of it, must be determined. Review of decisions, 55 A.L.R. 811, Ann. Cas. 1914D, 510; 3 Soerner, Amer. Law of Administration, 1889; Hartle v. Stahl, 27 Md. 157; Richard v. Izer, 95 Md. 451, 52 A. 592;

Schmidt v. Johnston, 154 Md. 125, 140 A. 87; Collins v. Cambridge Hospital, 158 Md. 112, 148 A. 114; Safe Deposit & Trust Co. v. Devilbiss, 128 Md. 182, 97 A. 367." (emphasis added).

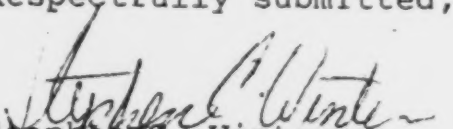
The decisions rendered by all of the Courts to which the issues have been addressed, decided the case correctly and in accord with the authorities founded in the law of the State of Maryland.

CONCLUSION

This case involves issues of state law and state procedural requirements. The case was decided fairly and correctly by each Maryland Court before whom Petitioner appeared. There are no issues raised by Petitioner which justify the issuance of the Writ of Certiorari.

Accordingly, it is respectfully suggested that the Petition for Writ of Certiorari be denied.

Respectfully submitted,



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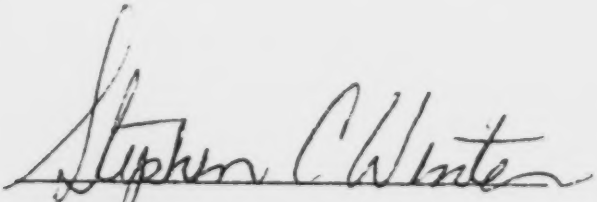
Attorney for Respondents

I HEREBY CERTIFY that on this day of , 1986, a copy of the foregoing Brief In Opposition To Petition For Writ Of Certiorari was mailed to Lawrence Page Boyce, 2200 Geist Road, Glyndon, Maryland 21071.



Stephen C. Winter